

EXHIBIT 1

do Amaral, Paulina

From: do Amaral, Paulina
Sent: Tuesday, June 16, 2020 11:43 PM
To: david@specialmaster.law; David Cohen (david@davidrcohen.com)
Cc: 'Kate Swift'; Peter H. Weinberger (pweinberger@spanglaw.com); EXT
Track1BDefendants; MDL 2804 (MDL2804@motleyrice.com)
Subject: Opioids - CT3 - Re-deposition Proposals

Dear Special Master Cohen,

Attached please find the parties' proposals with regard to the re-deposition of witnesses in CT3.

Plaintiffs' Proposal

In light of the discussion this afternoon with you and Ms. Swift, Plaintiffs contend that there is insufficient information about the extent to which the re-deposition of experts will be needed to define a bright line rule at this time and propose that the parties and the Court revisit the issue when the parties have a better sense of which and how many experts will be designated in CT3. If, however, the Court prefers to enter an order on this point now, Plaintiffs propose the following variation of the defendants' proposal below.

(1) Party fact witnesses shall not be re-deposed except to address: a) jurisdiction-specific information, b) information pertaining to new or expanded claims or allegations, or c) information produced within one week prior or at any time after the previous deposition, absent agreement of the parties or court order for good cause shown. Repeat fact depositions shall not be duplicative of previous MDL depositions, and shall be limited to no more than ~~3~~ 4.5 hours, except that each side may take up to six (6) depositions of previously deposed party fact witnesses for no more than 8 hours.

(2) Experts shall not be re-deposed unless they serve a ~~new~~ report in Track 3 containing opinions not previously disclosed, ~~or upon~~ absent agreement of the parties or court order for good cause shown. Repeat expert depositions shall not be duplicative, and shall be limited to no more than ~~either 7~~ 2 hours except that each side may redepose up to two (2) expert witnesses for no more than 8 hours, or 3 hours per defendant subject to that expert's opinions, whichever is longer.

Defendants' Proposal

Defendants disagree with the presumptions and time limits in plaintiffs' proposal, which are likely to lead to protracted disputes about, e.g., who has "jurisdiction-specific information," what constitutes "information pertaining to new or expanded claims or allegations," and what amounts to an "opinion not previously disclosed," not to mention disputes about the scope and duration of specific depositions. Defendants believe that a bright-line rule, with the time limits proposed below, is far preferable, both for the parties and the Court.

(1) Party fact witnesses shall not be re-deposed absent agreement of the parties or court order for good cause shown. Repeat fact depositions shall not be duplicative, and shall be limited to no more than 3.5 hours.

(2) Experts shall not be re-deposed unless they serve a new report in Track 3, or upon agreement of the parties or court order for good cause shown. Repeat expert depositions shall not be duplicative, and shall be limited to no more than either 7 hours, or 3 hours per defendant subject to that expert's opinions, whichever is longer.

Thank you.

Paulina do Amaral

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